



11-12-04

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Docket No. 3097-4015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : CHAUDHARI et al.

Serial No : 10/813,696 Art Unit : To Be Assigned

Filed : March 29, 2004 Examiner : To be assigned

For : IMPROVED PROCESS FOR PREPARATION OF ESTERS OF
HYDROXY TIGLIC ALDEHYDES

EXPRESS MAIL CERTIFICATE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 498828259 US

Date of Deposit: November 10 2004

I hereby certify that the following attached paper(s) and/or fee

1. Response to Notice of Omitted Items;
2. Copy of Notice of Omitted Items in A Nonprovisional Application
3. Three Sheets of revised Formal Drawings (Figures 1-7)
4. Proposed red ink changes to submitted drawings
5. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing paper(s) and/or fee)

Albert Isles

(Signature of person mailing paper(s) and/or fee)

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RESPONSE TO NOTICE OF OMITTED ITEMS

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Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the *Notice of Omitted Items in a Nonprovisional Application* that was mailed September 14, 2004. A copy of the *Notice* and new formal drawings are enclosed herewith.

The *Notice* indicated that Figures 1-3 as described in the Specification were omitted. Figures 1-3 were in fact submitted, however, they were not properly labeled as Figures 1 – 3. Accordingly, Applicants submit new formal drawings, including separately labeled Figures 1-3 (Exhibit A) and submit that the drawings supplied herewith are not new matter, and are entitled to the filing date originally assigned to the application. For this reason, Applicants further respectfully submit that neither a petition requesting a later filing date nor a supplemental declaration is necessary.

A copy of the drawings showing the proposed changes in red ink (Exhibit B) accompany the new formal drawings. As the examiner will note, the combined Figure identified as "1", "2" and "3" at the top of sheet 1 / 2 has now been broken down into Figures 1-3. A preliminary amendment is not necessary as Figures 1-3 were correctly described in the specification at page 6 under the heading BRIEF DESCRIPTION OF THE FIGURES.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 3097-4015.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

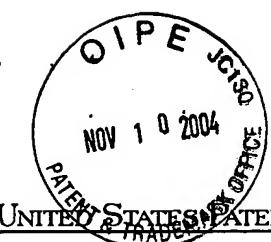
Dated: November 10, 2004

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APPLICATION NUMBER	FILING OR 371 (C) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,696	03/29/2004	Raghunath Vitthal Chaudhari	3097-4015

CONFIRMATION NO. 6139

27123
MORGAN & FINNEGAN, L.L.P.
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NEW YORK, NY 10281-2101

FORMALITIES LETTER



OC000000013792885

Date Mailed: 09/14/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 1-3 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE